

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

April 30, 1997

UNITED STATES OF AMERICA)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No: 97A00006
)	
111 EAST 22nd MANAGEMENT CORP.)	
d/b/a C.T. RESTAURANT)	
Respondent.)	

ORDER OF DISMISSAL-SETTLED

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and 111 East 22nd Management Corp. d/b/a C.T. Restaurant is the respondent. On October 2, 1996, INS filed a complaint consisting of five counts with the Office of the Chief Administrative Hearing Officer (OCAHO). After filing a Request for Extension of Time to Answer and the issuance of an order granting that request, Respondent answered the complaint on November 29, 1996.

On April 8, 1997, the parties filed a Motion to Dismiss together with a Settlement Agreement signed by both parties which resolves all issues raised by the complaint. The entire record in this matter consists of the Complaint, the Notice of Hearing, Respondent's Request for Extension of Time to Answer, the Order Granting Motion for Extension of Time to File Answer, the Answer, filed with a Request for Mitigation of Fine and a Motion to Dismiss, a Memorandum of Prehearing Conference and Scheduling Order, and the Motion to Dismiss with attached Settlement Agreement.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
 - (1) Submit to the presiding Administrative Law Judge:
 - (i) The proposed agreement containing consent findings; and
 - (ii) A proposed decision and order;

or (emphasis added)

- (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.

28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and I find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. § 68.14:

1. Respondent has withdrawn its request for hearing on the merits,
2. this matter is dismissed with prejudice in that respondent will pay a civil monetary fine in the total amount of \$10,000.00 in the manner set forth in the Settlement Agreement,
3. it is appropriate to grant the Motion to Dismiss in the instant proceeding based upon the parties' notification made pursuant to 28 C.F.R. § 68.14(a)(2), and
4. the Complaint is dismissed.

SO ORDERED

Dated and entered this 30th day of April, 1997.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 1996, I have served copies of the foregoing Order of Dismissal-Settled on the following persons at the addresses indicated:

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